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c 37 The Highway Traffic Amendment Act, 1976

Ontario

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CHAPTER 37

An Act to amend The Highway Traffic Act

Assented to June 7th, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 7b of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 167, section 1, is repealed and the following substituted therefor:

7b. "driver's licence" means a licence issued under section 13 or 16 to drive a motor vehicle on a highway.

2. Section 15a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 4, is amended by adding thereto the following subsection:

(2) Notwithstanding clause *e* of subsection 1, a person may hold a second driver's licence where the second licence is issued solely to permit the licensee to obtain experience in the driving of a motorcycle for the purpose of qualifying for a driver's licence which authorizes him to drive a motorcycle.

3. Section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 6, is repealed and the following substituted therefor:

20.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234, 234.1, 235 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of,

(a) upon the first conviction, three months; and

(b) upon a subsequent conviction, six months,

provided that where an order has been made before the 26th day of April, 1976 under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

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c. C-34

Subsequent
offence
within five-
year period

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause b of subsection 1.

Order
extending
suspension

(3) Where the court or judge, as the case may be, making the conviction referred to in subsection 1 considers it to be desirable for the protection of the public using the highways, the court or judge may make an order extending the suspension of the licence,

(a) for any period in addition to the period specified in subsection 1 that the court or judge considers proper, if the person is liable to imprisonment for life in respect of the offence; or

(b) for any period in addition to the period specified in subsection 1 that the court or judge considers proper but not exceeding three years, if the person is not liable to imprisonment for life in respect of the offence.

Order for
discharge

(4) Where a person pleads guilty to or is found guilty of an offence referred to in subsection 1 and an order directing that the accused be discharged is made under section 234, 236 or 662.1 of the *Criminal Code* (Canada), this section applies in the same manner as if the person were convicted of the offence.

Appeal

(5) An appeal may be taken from an order for additional suspension made under subsection 3 and the provisions of the *Criminal Code* (Canada) applying to an appeal from the conviction referred to in subsection 1 apply in respect of an appeal from an order made under subsection 3.

Stay of
order on
appeal

(6) Where an appeal is taken under subsection 5, the court being appealed to may direct that the order being appealed

from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court.

4. Section 24 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 12, is repealed and the following substituted therefor: s. 24,
re-enacted

24.—(1) The licence of a person who is convicted of an offence under subsection 3 of section 238 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto. Suspension
for driving
while dis-
qualified
R.S.C. 1970,
c. C-34

(2) Where a person pleads guilty to or is found guilty of an offence referred to in subsection 1 and an order directing that the accused be discharged is made under section 662.1 of the *Criminal Code* (Canada), this section applies in the same manner as if the person were convicted of the offence. Order for
discharge

- 5.—(1) Subsection 1 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (1),
re-enacted

(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle other than a motorcycle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only. Lamps
required
on all
motor
vehicles
except
motor-
cycles

(1a) Subject to subsection 1b, when on a highway at any time every motorcycle shall carry two lighted lamps in a conspicuous position, one on the front of the vehicle which shall display a white light only, and one on the rear of the vehicle which shall display a red light only. Lamps
required
on motor-
cycles

(1b) When on a highway at any time every motorcycle with a side car shall carry a lighted lamp in a conspicuous position on each side of the front of the vehicle which lamps shall display a white or amber light only and a lighted lamp on the rear of the vehicle which shall display a red light only. Idem

(1c) Any lamp required under subsection 1, 1a or 1b shall, when lighted, be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be. Light
require-
ment

Exception

(1*d*) Notwithstanding subsections 1*a* and 1*b*, where a motorcycle that was manufactured prior to the 1st day of January, 1970, is operated on a highway, the lighted lamps required under subsections 1*a* and 1*b* shall be required only during the period from one-half hour after sunset to one-half hour before sunrise, or at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less.

s. 37 (4),
amended

(2) Subsection 4 of the said section 37 is amended by inserting after "1" in the second line "1*a*, 1*b*".

s. 37 (6),
amended

(3) Subsection 6 of the said section 37 is amended by striking out "or, where a commercial motor vehicle is equipped with a rear vision mirror or mirrors that extend in whole or in part beyond the side of the vehicle, the clearance lamps at the front of the vehicle shall be affixed to such mirror or mirrors" in the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth lines.

s. 57*a* (1),
amended

6.—(1) Subsection 1 of section 57*a* of the said Act, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 1, is amended by striking out "prescribed device" in the fifth line and inserting in lieu thereof "device issued by the Ministry".

s. 57*a* (2),
amended

(2) Subsection 2 of the said section 57*a* is amended by striking out "prescribed" in the first line.

s. 58*c* (2) (a),
re-enacted

7. Clause *a* of subsection 2 of section 58*c* of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 4, is repealed and the following substituted therefor:

(*a*) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station and the vehicle is found to comply with the inspection requirements and performance standards prescribed by the regulations; and

s. 64*a*,
enacted

8. The said Act is amended by adding thereto the following section:

Consignor's
responsibility
for
overloading

64*a*. Every consignor of goods, or his agent or employee, who causes a vehicle or combination of vehicles not owned by the consignor to be loaded,

- (a) knowing that so loaded the weight of such vehicle or combination of vehicles and load when on a highway or operated or moved on a highway exceeds the limits in any of the provisions of subsection 2, 3 or 4 of section 64, or in a permit issued under section 65, or in subsection 1, 4 or 5 of section 66; and
- (b) intending that the vehicle or combination of vehicles so loaded be operated or moved on a highway,

is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 7 of section 64.

- 9.—(1) Subsection 1 of section 70 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 19, is repealed and the following substituted therefor: s. 70 (1),
re-enacted

(1) No vehicle, including load or contents, while on a highway, shall have a greater width than 102 inches, except traction engines which may have a total width of 110 inches, and except loads of loose fodder and except motor vehicles and road-building machines while being used for the removal of snow from a highway. Width of
vehicle

- (2) Subsection 3 of the said section 70, as amended by the Statutes of Ontario, 1973, chapter 45, section 24 and 1974, chapter 123, section 19, is repealed and the following substituted therefor: s. 70 (3),
re-enacted

(3) No vehicle, other than a fire apparatus, a bus or a semi-trailer as defined in clause *b* of subsection 6 of section 67, including load or contents, while on a highway shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together while on a highway shall exceed the total length of 65 feet. Length of
vehicle
or
combination

10. The said Act is further amended by adding thereto the following section: s. 70a,
enacted

70a.—(1) In this section, “over-dimensional farm vehicle” means a farm tractor, self-propelled implement of husbandry, implement of husbandry, or any combination of them, having a weight, width, length or height in excess of the limits provided in this Part or Part VII. Interpre-
tation

(2) The provisions of this Part and Part VII other than those contained in or under this section, with respect to Application
of Parts VI
and VII

weight, width, length and height do not apply to over-dimensional farm vehicles.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) regulating or prohibiting the movement by over-dimensional farm vehicles or classes or types thereof on a highway or on classes or types of highways;
- (b) requiring that escort vehicles or classes or types of escort vehicles accompany over-dimensional farm vehicles or classes or types thereof on a highway or class or type of highway;
- (c) prescribing the types, specifications and locations of markings, signs and lights that shall be carried by over-dimensional farm vehicles and escort vehicles or classes or types of either or both of them on a highway or class or type of highway;
- (d) prescribing conditions for the movement of over-dimensional farm vehicles on a highway or class or type of highway relating to the protection of persons and property from injury or damage.

s. 77 (2a),
amended

11. Subsection 2a of section 77 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 45, section 27, is amended by striking out "1" in the first line and inserting in lieu thereof "1a".

s. 80a,
enacted

12. The said Act is further amended by adding thereto the following section:

Consignor's
responsibility
for
overloading

80a. Every consignor of goods, or his agent or employee, who causes a vehicle or combination of vehicles not owned by the consignor to be loaded,

- (a) knowing that so loaded the weight of such vehicle or combination of vehicles and load when on a highway or operated or moved on a highway exceeds the limits for weight, other than axle unit weight, in any of the provisions of subsection 1 of section 72, or of section 73, 74 or 75, or in a permit issued under section 77; and
- (b) intending that the vehicle or combination of vehicles so loaded be operated or moved on a highway,

is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 80.

13. Subsection 2 of section 100 of the said Act is amended by ^{s. 100 (2), amended} adding at the end thereof "except where the shoulder to the right of the roadway is paved, and the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn".

14. The said Act is further amended by adding thereto the ^{s. 100a, enacted} following section:

100a.—(1) Where any part of the King's Highway has been designated as having a paved shoulder for use by vehicular traffic and official signs have been erected accordingly to indicate such designation, every driver of a vehicle shall ^{Drivers to obey signs posted at designated paved shoulders} obey the instructions on the official signs.

(2) The Lieutenant Governor in Council may make ^{Regulations} regulations,

(a) designating any part of the King's Highway as having a paved shoulder for use by vehicular traffic;

(b) providing for the erection of signs and the placing of markings,

(i) on any highway approaching any part of the King's Highway designated as having a paved shoulder for use by vehicular traffic, and

(ii) on any part of the King's Highway designated as having a paved shoulder for use by vehicular traffic; and

(c) prescribing the types of the signs and markings referred to in clause *b*, instructions to be contained thereon and the location of each type of sign and marking.

(3) A paved shoulder designated under this section shall be deemed not to be part of the roadway within the meaning of paragraph 27 of subsection 1 of section 1 or part of the pavement for the purposes of clause *b* of subsection 1 of section 100. ^{Paved shoulder deemed not part of roadway}

15. Clause *c* of section 103 of the said Act is repealed and the ^{s. 103 (c), re-enacted} following substituted therefor:

(c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles provided that official signs are erected to indicate such designation, and, notwithstanding section 93, where a highway is so

designated every driver of a vehicle shall obey the instructions on the official signs.

s. 103a,
enacted

- 16.** The said Act is further amended by adding thereto the following section:

Times
designation
applicable

103a. A designation of a lane for classes or types of vehicles made under clause c of section 103 shall apply during the times stated on the official signs.

s. 120a,
enacted

- 17.** The said Act is further amended by adding thereto the following section:

Definition

120a. (1) In this section, "school crossing guard" means a person sixteen years of age or older employed by a municipality who is directing the movement of children across a highway.

School
crossing
guard
shall
display
sign

(2) A school crossing guard about to direct children across a highway with a speed limit not in excess of 40 miles per hour shall, prior to entering the roadway, display a school crossing stop sign in an upright position so that it is visible to vehicular traffic approaching from each direction.

Vehicles
approaching
sign

(3) Where a school crossing stop sign is displayed as provided in subsection 2, the driver of any vehicle approaching the stop sign shall stop before reaching the crossing.

Display
of
school
crossing
stop
sign

(4) A school crossing guard shall not display on a highway a school crossing stop sign under any circumstances other than those set out in subsection 2.

Idem

(5) No person other than a school crossing guard shall display on a highway a school crossing stop sign.

Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of school crossing stop signs.

s. 147 (1),
amended

- 18.** Subsection 1 of section 147 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out "approved by the Ministry" in the fourth and fifth lines.

s. 150,
amended

- 19.** Section 150 of the said Act is amended by adding thereto the following subsection:

Order for
conditional
discharge
R.S.C. 1970,
c. C-34

(1a) Where a person pleads guilty to or is found guilty of an offence under the *Criminal Code* (Canada) referred to in

subsection 1 and an order directing that the person be discharged is made under section 234, 236 or 662.1 of that Act, the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith certify the order to the Registrar, setting out the name, address and description of the person discharged by the order, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the *Criminal Code* (Canada) contravened.

R.S.C. 1970,
c. C-34

- 20.** Subsection 1 of section 153*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 36, is repealed and the following substituted therefor:

s. 153*a* (1),
re-enacted

(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20 or section 24 and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect:

Suspension
of licence
upon
conviction

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for the period prescribed by statute".

- 21.**—(1) This Act, except sections 2, 3 and 4, subsections 1 and 2 of section 5, subsection 1 of section 9 and sections 10, 17 and 19, comes into force on the day it receives Royal Assent.
- (2) Sections 2, 3 and 4, subsection 1 of section 9 and sections 10 and 19 come into force on a day to be named by proclamation of the Lieutenant Governor.
- (3) Subsections 1 and 2 of section 5 come into force on the 1st day of July, 1976.
- (4) Section 17 comes into force on the 1st day of September, 1976.
- 22.** This Act may be cited as *The Highway Traffic Amendment Act, 1976*.

Commence-
ment

Idem

Idem

Idem

Short title

